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August 29, 2008

VIA E-MAIL AND
FEDERAL EXPRESS

Thanne Cox, SFD-7-5
Chief, Case Development Cost Recovery Section
Superfund Division
Region IX
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Re: Request for Information - Navajo Nation Abandoned Uranium Mine Sites

Dear Mr. Cox:

Freeport-McMoRan Copper & Gold Inc. ("Freeport") received your letter dated April 21, 2008 (the "Request") seeking certain information on behalf of the U.S. Environmental Protection Agency ("EPA") related to abandoned uranium mine sites located within the Navajo Nation. Harrison Karr, counsel for EPA, extended the deadline for Freeport's response to June 30, 2008 with respect to the mines identified in Question No. 8 of the Request. That response was sent to your office on June 30, 2008. In addition, Harrison Karr extended the deadline for Freeport's response to August 30, 2008 with respect to addressing other uranium mines within the Navajo Nation. Freeport has requested that Gallagher & Kennedy, P.A. ("G&K") respond to the Request.

To our knowledge, Freeport has never owned or operated uranium mines or conducted any activities at uranium mines within the Navajo Nation. After a reasonable review of its corporate records in the time period allowed by EPA, Freeport has determined that it independently has no information that would assist EPA with its investigation of the uranium mines. Notwithstanding the foregoing, Freeport understands that one of its indirect subsidiaries Cyprus Amax Minerals Company ("Cyprus Amax") has records that may be responsive to the Request. In an effort to accommodate EPA and facilitate EPA's receipt of information responsive to the Request, Cyprus Amax has authorized G&K to review Cyprus Amax's retained records and provide this response on behalf Cyprus Amax. Nevertheless, Cyprus Amax and Freeport each affirm that they are separate and distinct corporate entities and that this response

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and any activity undertaken to prepare this response should not be interpreted in any way as a waiver of any rights, privileges, or advantages afforded to either Cyprus Amax or Freeport by law or as an admission regarding the validity of Freeport and Cyprus Amax's respective corporate forms.

Certain of the records identified by Cyprus Amax as potentially responsive to the Request relate to the activities of the Vanadium Corporation of America ("VCA"). In 1963, VCA reportably acquired Kerr-McGee's Navajo Uranium Division. We have not located an agreement for this transaction, but have identified records that reference the transaction. VCA's corporate successor Cyprus Foote Corporation ("Cyprus Foote") was acquired and owned by Cyprus Amax from 1988 to 1998. In connection with the sale of Cyprus Foote in 1998, Cyprus Amax provided the buyer, Chemetall GmbH, with an indemnity against certain environmental liabilities, which may apply to the conditions identified by the Request. Thus, although Cyprus Foote (now known as Chemetall Foote Corporation) is no longer affiliated with Cyprus Amax, Cyprus Amax is including the activities of VCA in this response.

Cyprus Amax is also including records identified as being potentially responsive to the Request relating to the activities of Climax Uranium Company ("Climax"). In 1961, Climax merged into American Metal Climax, Inc. American Metal Climax, Inc.'s corporate successor Amax, Inc. was merged in 1993 with Cyprus Minerals Company to form Cyprus Amax.

In addition to records identified as potentially responsive to the Request, Cyprus Amax is also aware, through a public report, of possible uranium mining and milling operations conducted on the Navajo Nation by Western Nuclear, Inc. ("WNI"). See Virginia T. McLemore and William L. Chenoweth, *"Uranium Mines and Deposits in the Grants District, Cibola and McKinley Counties, New Mexico,"* (N.M Bureau of Mines and Resources, Report 353, 1991). WNI's parent company, Freeport-McMoRan Corporation (formerly known as Phelps Dodge Corporation), was acquired by Freeport in 2007.

This response to the Request is based on a reasonable review of Cyprus Amax's retained records within the time period allowed by EPA. Cyprus Amax reserves the right to supplement its response if it identifies additional relevant information.

The following general objections and responses to the Request are based on our review of Cyprus Amax's retained records.

GENERAL OBJECTIONS

1. Cyprus Amax objects to the requests to the extent they seek information outside of the scope of authority granted to EPA pursuant to 42 U.S.C. § 9604(e) (2004).
2. Cyprus Amax objects to the requests to the extent they seek information protected by the attorney-client privilege or the work-product doctrine, or seek information that constitutes

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or discloses the mental impressions, conclusions, opinions, or legal theories of any attorney or that is protected by any other privilege or immunity.

3. Cyprus Amax objects to the requests to the extent they are overbroad as to the persons or entities from whom and about whom the information is sought.

4. Cyprus Amax objects to the requests to the extent they seek information that is not in the possession or control of Cyprus Amax.

5. Cyprus Amax objects to the requests to the extent they seek information that is publicly available.

6. Cyprus Amax objects to the requests to the extent they are vague, ambiguous, or confusing as drafted.

7. Cyprus Amax objects to the requests to the extent they would require an unreasonably burdensome search for information.

OBJECTIONS AND RESPONSES TO EACH REQUEST FOR INFORMATION

Cyprus Amax incorporates by reference each of the General Objections above by reference into each of the following responses.

1. Please identify those individuals who assisted in the preparation of this information response. For each individual, provide the following: name, current or last known address and telephone number, dates of employment, and current and former job titles.

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Dates of employment for the foregoing individuals are available upon request.

2. *Identify all properties owned, leased, possessed or held by you to conduct operations for the production of uranium in the Navajo Nation. Provide a copy of the lease, permit, claim(s), deed, license or any other document evidencing your status as an owner, tenant or possessor of the property and all attachments.*

Upon information and belief, VCA and/or Climax owned, leased, possessed, or held the properties listed below in the Navajo Nation. Cyprus Amax's retain records indicate that ore production occurred on several of these properties. Production-related information for such properties is provided in response to Request #4. Properties are listed below by available identifying number, including AEC mining contract numbers, mining permit numbers or mining lease numbers. Additionally, where known, the relevant mine name or claim name is identified after each identifying number. For properties where an identification number could not be located, we have simply provided the name of the mine.

VCA

- Mining lease No. 14-20-0603-8482;
- Mining Permit ("MP") 6 – King Tutt No. 1;
- Mining lease No. 14-20-0603-6678 – Mesa I $\frac{3}{4}$ Incline, Mesa II $\frac{1}{4}$, Mesa II Mine No. 1, Mesa II Mine No. 2, Mesa II Mine No. 3;
- MP 24 – Begay No. 1, Begay No. 2, Junction and Tent;
- Mining lease No. 14-20-0603-6476 – Mesa III;
- Mining lease No. 14-20-0603-6514 – Mesa I $\frac{3}{4}$ Mine No. 2 and Mesa II Mine;
- MP 543 – Mesa IV $\frac{1}{2}$ and Mesa V (George Simpson);
- MP 547 – Cove Mesa (Cato Sells);
- MP 558 – Cove Mesa (AEC Plot 7);
- MP 561;
- MP 567 – Block K;
- MP 574 – John Lee Benally;
- MP 583 – Willie Waters;
- MP 588 – Hoskie Henry;
- MP 589 – Parcel 1 and Parcel 2;
- MP 591 – Simpson No. 1;
- MP 598 – Mesa VI;

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- MP 600 – Black Rock No. 3;
- MP 603 – C-3;
- MP 604 – Taylor Reid No. 1;
- Mining contract No. I-149-IND-5456 – Plots 1-17;
- Mining contract No. I-149-IND-5705 – Plot 1-12;
- Mining contract No. I-149-IND-5869 – Monument No. 1;
- Mining contract No. I-149-IND-6204 – Monument No. 2 and Monument No. 2 Amendment;
- Mining contract No. I-149-IND-6256 – Monument No. 3;
- Mining contract No. I-149-IND-6342 – Rattlesnake No. 1;
- Mining contract No. I-149-IND-8666 – Mesa II ½, Mesa II Pit, Mesa IV Mine No. 1, Mesa II Mine No. 2 and Mesa V;
- Mining contract No. I-149-IND-8667 – Black Rock No. 2, Flag Mesa No. 1, Knife Edge Mesa, Mesa I ¼, Mesa I, Mines No. 10-15 and Step Mesa;
- Canyon View No. 2;
- Mesa I 1/2; and
- Mesa IV ¼.

Climax

- MP 255 – Harry Lee Benally;
- MP 260 – Benally No. 1, Capitan Benally No. 4A and Capitan Benally No. 5;
- MP 374 – Nashoy – Firelight No. 5 and Naschoy – Firelight No. 6.
- Billy Topaha;
- Frank Junior and Cato No. 2;
- Frank No. 1 and Frank No. 2;
- Cato Sells, South Tract No. 2, Tract No. 1 and Tract No. 2;
- Naschoy;
- Salt Canyon; and
- Wilbur Sells 4A and Wilbur Sells 5A.

Leases, permits, claims, deeds, licenses and other documentation evidencing VCA and Climax's status as an owner, tenant or possessor of the property are enclosed as documents 000001-000974.

3. *Provide information about each property identified by you, including but not limited to the following:*

- a. Property boundaries, including a written legal description;*
- b. A map identifying the property location within or in relation to the Navajo Nation;*
- c. Location and description of surface structures (e.g., protore, waste pile, retention ponds, buildings, housing, etc.);*
- d. Location and description of any ground water wells or sources of surface water used in mine operations;*

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e. All maps, drawings, aerial photographs of the property.

See the enclosed documents 000975-002439 that contain information relevant to this request.

4. *For each property identified by you, describe the activities or operations which were conducted by you on that property. Provide any and all documentation in your possession which describes the operations which occurred at that property.*

See the enclosed documents 002440-006050. Provided below is a summary of the activities or operations conducted by VCA or Climax on the properties identified under Question 2. As indicated later in the response to Request #9, other parties in addition to VCA and Climax conducted activities or operations on these properties.

VCA

According to Cyprus Amax's retained records, VCA leased 14-20-0603-8482 from the Navajo Nation on October 9, 1964.

According to Cyprus Amax's retained records, VCA received an assignment of MP 6 from King and Despah G. Tutt effective January 2, 1957.

According to Cyprus Amax's retained records, VCA received an assignment of mining lease No. 14-20-0603-6678 from Kerr-McGee on March 1, 1963. Between 1963 and 1967, VCA produced uranium ore using underground mining techniques. In 1967, VCA merged into Foote Mineral Company ("Foote"). On September 27, 1969, Foote cancelled mining lease No. 14-20-0603-6678. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

According to Cyprus Amax's retained records, VCA received an assignment of MP 24 from Eugene and Lucille Tapahonso effective January 2, 1957.

According to Cyprus Amax's retained records, VCA received an assignment of mining lease No. 14-20-0603-6476 from Kerr-McGee on March 1, 1963. On June 11, 1969, Foote cancelled mining lease No. 14-20-0603-6476.

According to Cyprus Amax's retained records, VCA received an assignment of mining lease No. 14-20-0603-6514 from Kerr-McGee on March 1, 1963. On June 11, 1969, Foote cancelled mining lease No. 14-20-0603-6514.

According to Cyprus Amax's retained records, VCA received an assignment of MP 543 from Kerr-McGee on March 1, 1963. VCA conducted operations for the production of uranium using underground mining techniques during 1963-1965. On October 9, 1964, VCA entered into mining lease No. 14-20-0603-8700 with the Navajo Nation. On October 9, 1969, Foote

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cancelled mining lease No. 14-20-0603-8700. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

According to Cyprus Amax's retained records, VCA received an assignment of MP 547 from Cato Sells effective March 16, 1961. On March 16, 1964, VCA entered into mining lease No. 14-20-0603-8249 with the Navajo Nation. In 1964, VCA produced vanadium and uranium ore at MP 547 using underground mining techniques. By 1965, VCA had closed up the mine. On March 16, 1969, Foote cancelled mining lease No. 14-20-0603-8249. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

According to Cyprus Amax's retained records, VCA entered into AEC contract No. AT(49-1)-305 effective October 8, 1949, authorizing VCA to carry out mining operations at Cove Mesa (AEC Plot 7). On June 30, 1958, AEC contract No. AT(49-1)-305 was cancelled. VCA then entered into AEC contract No. AT(49-1)-756 to continue production at Cove Mesa (AEC Plot 7). VCA received an assignment of MP 558 from Mr. and Mrs. William George effective August 21, 1961 covering AEC Plot 7. On June 30, 1965, VCA entered into mining lease No. 14-20-0603-8966 with the Navajo Nation for AEC Plot 7. On June 30, 1969, Foote cancelled mining lease No. 14-20-0603-8966. During the period between 1949 until 1965, VCA produced vanadium and uranium ore at MP 558 using underground mining techniques.

According to Cyprus Amax's retained records, VCA received an assignment of MP 561 from Kerr-McGee on March 1, 1963. On November 16, 1965, VCA entered into mining lease No. 14-20-0603-8981 with the Navajo Nation. On October 8, 1969, Foote cancelled mining lease No. 14-20-0603-8981.

According to Cyprus Amax's retained records, VCA received an assignment of MP 567 from Kerr-McGee on March 1, 1963. On April 21, 1966, VCA entered into mining lease No. 14-20-0603-8989 with the Navajo Nation. On December 10, 1969, Foote cancelled mining lease No. 14-20-0603-8989.

According to Cyprus Amax's retained records, VCA received an assignment of MP 574 from John Lee Benally effective November 15, 1963. On May 22, 1966, VCA allowed MP 574 to expire.

According to Cyprus Amax's retained records, VCA received an assignment of MP 583 from Willie Waters effective January 3, 1963. On October 9, 1966, VCA entered into mining lease No. 14-20-0603-9994 with the Navajo Nation. On October 25, 1969, Foote cancelled mining lease No. 14-20-0603-9994.

According to Cyprus Amax's retained records, VCA received an assignment of MP 588 from Hoskie Henry effective September 12, 1963. On August 17, 1967, VCA entered into mining lease No. 14-20-0603-863 with the Navajo Nation. On December 10, 1969, Foote cancelled mining lease No. 14-20-0603-863.

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According to Cyprus Amax's retained records, VCA received an assignment of MP 589 from Koley and Faye Black effective October 14, 1963. On August 17, 1967, VCA entered into mining lease No. 14-20-0603-866 with the Navajo Nation. On September 18, 1969, Foote cancelled mining lease No. 14-20-0603-866.

According to Cyprus Amax's retained records, VCA received an assignment of MP 591 from George R. Simpson effective January 31, 1964.

According to Cyprus Amax's retained records, VCA received an assignment of MP 598 from Kerr-McGee on March 1, 1963. In 1963, VCA produced uranium ore at MP 598 using underground mining techniques. Between 1963 and 1969, VCA entered into mining lease No. 14-20-0603-6475 with the Navajo Nation. On June 11, 1969, Foote cancelled mining lease No. 14-20-0603-6475. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

According to Cyprus Amax's retained records, VCA received an assignment of MP 600 from Thomas and Jo Ella Clani effective March 30, 1965.

According to Cyprus Amax's retained records, VCA received an assignment of MP 603 from Tom and Lucy Holliday and Cecil and Mary Parrish on April 26, 1965.

According to Cyprus Amax's retained records, VCA received an assignment of MP 604 from Taylor Reid effective April 26, 1965.

According to Cyprus Amax's retained records, VCA received an assignment of I-149-IND-5456 effective February 23, 1942. In 1963, VCA produced uranium ore at the location covered by mining contract No. I-149-IND-5456 using underground mining techniques. On July 30, 1969, Foote allowed mining contract No. I-149-IND-5456 to expire.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-5705 effective July 23, 1942. VCA sampled for uranium at Plot 2 (King Tutt Point) in 1953, conducted underground mining at Plot 3 (Lookout Point Incline) in 1959, sampled for uranium at Plot 3 (Nelson Point) in 1961, conducted underground mining at Plot 3 (Shadyside/Shadyside Incline) in 1952, conducted underground mining at Plot 7 (Lower Oak Creek) in 1963, conducted underground mining at Plot 9 (Lone Star) in 1950 and sampled for uranium at Plot 10 (Oak Springs) in 1956. On July 30, 1969, Foote allowed mining contract No. I-149-IND-5705 to expire.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-5869 effective December 21, 1942. On December 21, 1952, VCA allowed mining contract No. I-149-IND-5869 to expire.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-6204 effective September 23, 1942. VCA produced uranium and

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vanadium ore using both underground and surface mining techniques. In 1959, the original lease was modified to include adjacent holdings of individual Navajos. On September 23, 1969, Foote canceled the lease.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-6256 effective January 14, 1944. On January 14, 1954, VCA allowed mining contract No. I-149-IND-6256 to expire.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-6342 effective April 1, 1944. On March 3, 1954, VCA cancelled mining contract No. I-149-IND-6342.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-8666 from Kerr-McGee on March 1, 1963. On July 30, 1969, Foote allowed mining contract No. I-149-IND-8666 to expire. VCA conducted operations for the production of uranium at the Mesa II ½ and Mesa V mines. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

According to Cyprus Amax's retained records, VCA received an assignment of mining contract No. I-149-IND-8667 from Kerr-McGee on March 1, 1963. On July 30, 1969, Foote allowed mining contract No. I-149-IND-8667 to expire.

According to Cyprus Amax's retained records, VCA acquired Canyon View No. 2 sometime prior to 1951.

According to Cyprus Amax's retained records, VCA received an assignment of Mesa I ½ from Kerr-McGee on March 1, 1963. VCA conducted operations for the production of uranium at Mesa I ½ using underground mining techniques from 1964 to 1967. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

According to Cyprus Amax's retained records, VCA received an assignment of Mesa IV ¼ from Kerr-McGee on March 1, 1963. VCA conducted operations for the production of uranium using underground mining techniques from 1963 to 1968. Additionally, public records indicate that other unrelated individuals or entities operated this property prior to and/or after VCA.

Climax

According to Cyprus Amax's retained records, Climax acquired an interest in MP 255 prior to February 3, 1956 and dropped the tract prior to May 15, 1959.

According to Cyprus Amax's retained records, Climax acquired MP 260 on February 3, 1956 and dropped the tract on May 16, 1957. Climax produced vanadium-uranium ore using

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underground mining techniques at the Benally No. 1 and Captain Benally 4A mines during 1956-1957.

According to Cyprus Amax's retained records, Climax acquired an interest in MP 374 prior to 1959.

According to Cyprus Amax's retained records, Climax acquired an interest in Billy Topaha prior to July 1, 1959.

According to Cyprus Amax's retained records, Climax acquired an interest in Frank Junior and Cato No. 2 prior to 1963. Climax conducted prospecting and development operations at the property, but dropped the tract on November 11, 1963.

According to Cyprus Amax's retained records, Climax acquired an interest in Frank No. 1 and Frank No. 2 from Frank Nacheenbetah prior to 1952. Climax conducted operations for the production of uranium at Frank No. 1 in 1952.

According to Cyprus Amax's retained records, Climax acquired an interest in Cato Sells, South Tract No. 1, Tract No. 1 and Tract No. 2 prior to July 30, 1951.

According to Cyprus Amax's retained records, Climax acquired an interest in Salt Canyon.

According to Cyprus Amax's retained records, Climax acquired an interest in Wilbur Sells 4A and Wilbur Sells 5A prior to May 11, 1956. Climax dropped the tract on May 16, 1957.

In addition to the enclosed documents, Cyprus Amax is aware of public reports written by William L. Chenoweth and a September 5, 1963 government memorandum alleging that VCA and others conducted operations for the production of uranium at the Martin (AEC Plot 1), North Martin (AEC Plot 2), Saytah (AEC Plot 3), Saytah Canyon (AEC Plot 4), CBW-MC (AEC Plot 5), Eurida (AEC Plot 6), Kinusta Mesa (AEC Plot E), Block No. 2, Mesa I 1/3, Mesa I 1/2 West, Mesa III Northwest, Mesa III West, Mesa IV West, Rock Door No. 1 and Tom Holliday (Rock Hat) mines/claims. Cyprus Amax is also aware of a public report written by William L. Chenoweth alleging that Western Nuclear conducted operations for the production of uranium at Ruby No. 1, Ruby No. 3 and Ruby No. 4. *See* William L. Chenoweth, *The Geology, Leasing and Production History of the Uranium-Vanadium Mines on Eurida Mesa, Apache County, Arizona* (Arizona Geological Survey 2003); *see* William L. Chenoweth, *The Geology and Production History of the Uranium-Vanadium Deposits in Monument Valley, San Juan County, Utah* (Utah Department of Natural Resources 1991); *see* William L. Chenoweth, *The Geology and Production History of the Uranium-Vanadium Deposits in the Lukachukai Mountains, Apache County Arizona* (Arizona Geological Survey 1988). Cyprus Amax's records do not support these allegations.

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5. *For any property identified by you, describe what waste by-product(s) was produced during your operations.*

Upon information and belief, Cyprus Amax's retained records contain little information regarding waste by-products produced during VCA's or Climax's operations at the mines identified in the answer to Question 2. An undated document with no identified author indicates that the Monument No. 2 mine produced waste rock. See enclosed documents 006051-006068.

Cyprus Amax's retained records also reference waste by-products generated at the Monument Valley Processing Site that has been reclaimed under UMTRCA by the U.S. Department of Energy ("DOE"). Conditions at this UMTRCA site are being addressed by DOE, and we consider UMTRCA site information outside the scope of the Request.

6. *For each waste by-product identified by you, describe what you did with these waste by-products.*

a. *Specifically, also describe what you did with:*

- i) *uranium protore or uneconomic material*
- ii) *any listed or unlisted hazardous substances*
- iii) *dewatering or surface water discharge*

b. *Provide all documentation which describes how waste by-product was stored, treated, disposed or deposited at the property.*

c. *For each waste by-product identified, provide a map identifying where on the property these wastes were stored, treated, disposed or deposited.*

Upon information and belief, Cyprus Amax's retained records contain little information regarding the disposition of waste by-products produced during VCA's or Climax's operations at the mines identified in the answer to Question 2. An undated document with no identified author indicates that waste rock at the Monument No. 2 mine was loaded onto trucks and hauled to waste dumps within and outside the pit. Additionally, a 1963 Climax internal memorandum reporting on VCA operations at Monument No. 2 suggests that backfilling occurred using waste materials. See enclosed documents 006069-006071.

7. *For each property, identify and describe all reclamation or cleanup efforts made by you to address waste by-products and/or to prevent potential releases of hazardous substances.*

Upon information and belief, Cyprus Amax's retained records contain no information regarding the reclamation and cleanup efforts performed by VCA or Climax to address waste by-products and to prevent potential releases of hazardous substances at the mines identified in the answer to Question 2. We understand, however, that uranium mining leases on Indian lands required tenants to surrender and return the premises in as good a condition as received upon termination of the lease. The U.S. government reportedly provided oversight for all aspects of uranium-leasing operations on the Navajo Reservation, including the required reclamation work.

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We also are aware of public reports from the Navajo Nation Abandoned Mines Program that reclamation has occurred on many of these mines.

8. *Specifically, identify and describe any and all operations you conducted at the mine sites listed below. For each of these mines, answer questions 2-7 above as it applies to the site.*

<i>Mine</i>	<i>Aliases</i>
<i>NE Church Rock</i>	
<i>Billy the Kid</i>	<i>Section 19; Maddox and Teague; Prewitt, Greer, Warren and McCormack, Red Top No 1, 3-7; Prewitt</i>
<i>Kermac Mine No. 22</i>	<i>Section 22;</i>
<i>A&B No.3</i>	
<i>Mariano Lake</i>	<i>Gulf; Section 12</i>
<i>NE Church Rock No.1</i>	<i>Section 35 Mine; Kerr McGee Quivira</i>
<i>Church Rock</i>	
<i>Charles Keith</i>	<i>Olijeto Mesa West; Keith Mine-A; Olijeto (31~,T</i>
<i>C D and S</i>	<i>Section 35</i>
<i>Rock Door No. 1</i>	<i>Rock Door Mine</i>
<i>Black Jack No. 1</i>	
<i>Haystack</i>	<i>DOE lease NM-1-B; MLB-NM-B-1; Section 13 NM-B-1 lease, Railroad section, Arthur Bibo; Section 13 Pit</i>
<i>Glover</i>	
<i>Monument No. 2</i>	<i>Chee Nez No. 1; VCA Mining Unit No. 66</i>
<i>Mac No. 1</i>	
<i>NE Church Rock No. 1-East</i>	<i>Churchrock 1 East; Kerr McGee Section 36 Mine</i>
<i>Section 18 and Section 18 SEQ</i>	<i>Brown Vanderer; Williams; Williams and Thompson</i>
<i>Haystack No. 1</i>	<i>Haystack; Haystack-Section 19 Open Pit Complex</i>
<i>Moonlight Mine</i>	
<i>Mesa I, Mine No. 10-15</i>	<i>Mesa I Mine 10-15, Mesa 1 Mine #10-15</i>

See responses to Question Nos. 2-7 and our previous response dated June 30, 2008.

9. *For each of the mine sites identified in the table above, identify any other person(s) or entity(ies) which operated at the mine. Provide the dates of their operations and describe their operations*

According to Cyprus Amax's retained records, the parties listed below operated the mines identified in Question 2. Enclosed as documents 006072-008450 are documents that reference such names. We also have provided the names of parties that were identified in public records, and we have identified such parties with an asterisk next to their name. For properties

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not included in the answer to this question, Cyprus Amax does not have any information on other persons or entities operating at that property.

VCA

AT(49-1)-305

- Leo Redhouse (1951).

Block No. 2

- Kerr-McGee (Before 1963).

Rock Door No. 1

- Harry Binale* (1952);
- Harry Goulding* (1952); and
- Dean Nicholson* (1953).

Tom Holliday (Rock Hat)

- Tom Holliday* (1950).

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- Tom Joe (1960); and
- Kerr-McGee (1961-1963).

MP 6 – King Tutt No. 1

- King and Despah Tutt (1956 or earlier to 1957)

MP 21 – Mesa 1 $\frac{3}{4}$ Incline, Mesa II $\frac{1}{4}$, Mesa II Mine No. 1, Mesa II Mine No. 2, Mesa II Mine No. 3

- Kerr-McGee (1963 and earlier);
- John Goode (1963);
- C.D. Boothe (1964, 1966-1967); and
- James Goode (1965).

MP 24 - Begay No. 1, Begay No. 2, Junction and Tent

- Eugene and Lucille Tapahonso (1957 or earlier); and
- Orville E. Smart (1967).

MP 93 – Mesa III

- Kerr-McGee (1963 and earlier);
- Vernon Bankston (1963);
- James Goode (1964); and
- O.E. Smart (1966).

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MP 150 – Mesa I ¾ Mine No. 2 and Mesa II Mine

- Kerr-McGee (1963).

MP 543 – Mesa IV 1/2 and Mesa V (George Simpson)

- George Simpson (1950 or earlier to 1960); and
- Kerr-McGee (1960-1963).

MP 547 – Cove Mesa (Cato Sells)

- Cato Sells (1950 or earlier);
- Don Stiles (1964); and
- Carl Pierson (1964).

MP 558 – Cove Mesa (AEC Plot 7)

- Cato Sells (1950, 1952);
- Harvey Young (1950, 1952);
- Leroy Pettigrew (1951, 1953-1957);
- John Woodrow (1952);
- Mr. Weaver (1954);
- James Benally (1956);
- George R. Simpson (1956);
- William Wittmeyer (1959-1960);
- C.H. Corey (1960-1961);
- Woodrow E. Gripe (1961); and
- William George (1964).

MP 561

- Mrs. Edward McCabe (1961 or earlier); and
- Kerr-McGee (1961-1963).

MP 567 – Block K

- Mike Brodie (1960-1962); and
- Kerr-McGee (1962-1963).

MP 574 – John Lee Benally

- John Lee and Betty Benally (1962-1963).

MP 583 –Willie Waters

- Willie Waters (1962 or earlier to 1963).

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MP 588 – Hoskie Henry

- Hoskie Henry (1963);
- H&J Butler (After 1963).

MP 589 – Parcel 1 and Parcel 2

- Kerr-McGee (1963 or earlier).

MP 591 – Simpson No. 1

- George R. Simpson (1964).

MP 598 – Mesa VI

- Kerr-McGee (1963 or earlier).

MP 600 – Black Rock No. 3

- Thomas and Jo Ella Clani (1965 or earlier);
- H&J Butler (1965);
- B&J Mining Company (1965-1966); and
- John Morrill (1967).

MP 603 – C-3

- Cecil Parrish Jr.* and Tom Holliday* (1954, 1962);
- Copper Canyon Mining Industries* (1955-1957);
- Capital Uranium Corporation* (1958-1960);
- Dumont Development Corporation* (1961-1962);
- A&B Mining Company* (1963);
- Shumway Brothers* and Kay P. Johnson* (1963-1964);
- Tom and Lucy Holliday and Cecil and Mary Parrish (1965);
- Shumway Brothers Mining Company* (1965); and
- Rogers & Rogers (1965-1966).

MP 604 – Taylor Reid No. 1

- Howard Wilson* (1953-1960);
- Vernon Bloomfield* (1956);
- Harry Kildow* (1956);
- Capital Uranium Corporation* (1956);
- Dumont Development Corporation* (1961-1962);
- Taylor Reid (1962);
- A&B Mining Company* (1963); and
- Shumway Brothers* (1965-1966).

I-149-IND-5456 – Plots 1-17

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- Capital Seaboard (1958);
- Thomas Clani (1960-1961);
- Black, Burnard & Mangum (1963);
- Butler & Gugham (1963-1964);
- Falcon Mining Company (1963);
- Harvey Butler (1964-1965); and
- H&J Butler (1966).

I-149-IND-5705 – Plots 1-12

- Leroy Pettigrew (1950);
- Alfred Nelson (1950);
- King Tutt & Carl Thomas (1950);
- King Tutt & William Tanner (1950);
- Paul Shorty (1950-1959);
- Harry Russell (1951);
- Leroy Pettigrew (1952);
- Carl Thomas (1952);
- Roy Archer (1953);
- Harry Russell (1953-1954);
- Paul Shorty (1953-1962, 1966-1967);
- T.P. Kennedy & J.S. McGee (1955-1959);
- Paul Shorty (1956-1962);
- C.H. Cory (1960);
- William George (1961-1962);
- C&D Mining Company (1963); and
- Harry Harvey (1967).

I-149-IND-5869 – Monument No. 1

- Cecil Parrish* (1952-1953); and
- Ashcroft & Foutz* (1953-1956).

I-149-IND-6204 – Monument No. 2 and Monument No. 2 Amendment

- Sherron F. Spencer (1953-1954);
- J.D. Simmons (1957); and
- Harry Monk (1957-1962).

I-149-IND-6256 – Monument No. 3

- Sherron F. Spencer (1953-1954);
- J.D. Simmons (1957); and
- Harry Monk (1957-1962).

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I-149-IND-6342 – Rattlesnake No. 1

- Earl Saltwater (1953);
- Paul Shorty* (1956); and
- Sylvania Mining Company* (1955-1956).

I-149-IND-8666 – Mesa II ½, Mesa II Pit, Mesa IV Mine No. 1, Mesa II Mine No. 2 and Mesa V

- Dan Phillips (1949);
- F.A. Sitton (1949-1951);
- Navajo Uranium Company (1951-1952);
- Kerr-McGee (1952-1963);
- Ivan Hancock (1964-1965);
- James Goode (1965);
- Smart & Williams (1966);
- William Hickey (1965-1966); and
- C.D. Boothe (1967).

I-149-IND-8667 – Black Rock No. 2 (Bare Rock Mesa), Flag Mesa No. 1, Knife Edge Mesa, Mesa I ¼, Mesa I, Mines No. 10-15 and Step Mesa

- Koley Black (1949);
- F.A. Sitton (1949-1951);
- Navajo Uranium Company (1951-1952);
- Kerr-McGee (1952-1963);
- Walter Kingery (1963);
- B&G Mining (1963);
- Roy Goode (1963);
- Ivan Hancock (1963-1964);
- Nevel Beck (1964);
- Edward G. Johnson (1965-1966);
- James Goode (1966);
- McWilliams, Cordova & Yaeger (1966);
- Durfee Brothers (1966);
- Orval Smart & Paul Williams (1966);
- James W. Yaeger (1966-1967); and
- C.D. Boothe (1967).

Canyon View No. 2

- Hosteen S. Begay (1951 or earlier).

Mesa I ½

- Kerr-McGee (1963 and earlier).

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Mesa IV ¼

- Kerr-McGee (1963 or earlier); and
- C.D. Boothe (1968).

Climax

MP 255 – Harry Lee Benally

- Harry Lee Benally (1956 or earlier).

MP 260 – Benally No. 1, Capitan Benally No. 4A and Capitan Benally No. 5

- Capitan Benally (1956 or earlier);

MP 374 – Naschoy

- John Todea* (1955);
- William J. Carey, Robert L. Boorstine, Bess Olsan and Bernard Olsan* (1955-1957); and
- E.E. Lewis Inc. (1957-1958).

Billy Topaha

- Billy Topaha* (1959 or earlier).

Frank Junior and Cato No. 2

- Cato Sells (1948).

Frank No. 1 and Frank No. 2

- Frank Nacheenbetah (1951 or earlier).

Cato Sells, South Tract No. 2, Tract No. 1 and Tract No. 2

- Cato Sells (1951 or earlier).

Salt Canyon

- Kerr-McGee.

Wilbur Sells 4A and Wilbur Sells 5A

- Wilbur Sells (1956 or earlier).

10. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any part of this information request or who may be able to provide additional responsive documents, please identify such persons, including their last known addresses and telephone number.

Cyprus Amax has no specific information about such persons.

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If you have any questions regarding these responses, please call me at (602) 530-8136.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

A handwritten signature in black ink, appearing to read "David Wallis". The signature is written in a cursive, flowing style.

By:
David L. Wallis

Enclosures

cc: Harrison Karr